

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SENATE BILL 1070**

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-3112, Arizona Revised Statutes, is amended to  
3 read:

4           13-3112. Concealed weapons; qualification; application; permit  
5           to carry; certificate of firearms proficiency;  
6           firearms safety training; instructors; report;  
7           applicability; violation; classification

8       A. The department of public safety shall issue a permit to carry a  
9 concealed weapon to a person who is qualified under this section. The person  
10 shall carry the permit at all times when the person is in actual possession  
11 of the concealed weapon and shall present the permit for inspection to any  
12 law enforcement officer on request.

13       B. A person who fails to carry the permit at all times that the person  
14 is in actual possession of a concealed weapon may have the permit suspended.  
15 The department of public safety shall be notified of all violations of this  
16 section and shall immediately suspend the permit. The permittee shall  
17 present the permit to the law enforcement agency or the court. On  
18 notification of the presentation of the permit, the department shall restore  
19 the permit.

20       C. The permit of a person who is arrested or indicted for an offense  
21 that would make the person unqualified under section 13-3101, subsection A,  
22 paragraph 6 or this section shall be immediately suspended and seized. The  
23 permit of a person who becomes unqualified on conviction of that offense  
24 shall be revoked. The permit shall be restored on presentation of  
25 documentation from the court if the permittee is found not guilty or the  
26 charges are dismissed. The permit shall be restored on presentation of  
27 documentation from the county attorney that the charges against the permittee  
28 were dropped or dismissed.

29       D. A permittee who carries a concealed weapon and who fails to present  
30 a permit for inspection on the request of a law enforcement officer is guilty  
31 of a petty offense. A permittee shall not be convicted of a violation of  
32 this subsection if the permittee produces to the court a legible permit that  
33 is issued to the permittee and that was valid at the time the violation of  
34 this subsection occurred.

35       E. The department of public safety shall issue a permit to an  
36 applicant who meets all of the following conditions:

- 37           1. Is a resident of this state or a United States citizen.
- 38           2. Is twenty-one years of age or older.
- 39           3. Is not under indictment for and has not been convicted in any  
40 jurisdiction of a felony.
- 41           4. Does not suffer from mental illness and has not been adjudicated  
42 mentally incompetent or committed to a mental institution.
- 43           5. Is not unlawfully present in the United States.

1       6. HAS EVER satisfactorily ~~completes~~ COMPLETED a firearms safety  
2 training program approved by the department of public safety pursuant to  
3 subsection O of this section AND PROVIDES ADEQUATE DOCUMENTATION THAT THE  
4 APPROVED TRAINING PROGRAM WAS SATISFACTORILY COMPLETED. FOR THE PURPOSES OF  
5 THIS PARAGRAPH, "ADEQUATE DOCUMENTATION" MEANS A CERTIFICATE, CARD OR  
6 DOCUMENT OF COMPLETION FROM AN APPROVED FIREARMS SAFETY TRAINING PROGRAM  
7 PURSUANT TO SUBSECTION O OF THIS SECTION THAT HAS AFFIXED TO IT THE STAMP,  
8 SIGNATURE OR SEAL OF THE INSTRUCTOR OR ORGANIZATION THAT CONDUCTED THE  
9 PROGRAM, OR A CURRENT OR EXPIRED PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC  
10 SAFETY PURSUANT TO THIS SECTION. This paragraph does not apply to:

11      (a) A person who is an active duty Arizona peace officer standards and  
12 training board certified or federally credentialed peace officer or who is  
13 honorably retired as a federal, state or local peace officer with a minimum  
14 of ten years of service.

15      (b) A person who is an active duty county detention officer and who  
16 has been weapons certified by the officer's employing agency.

17      (c) A person who is issued a certificate of firearms proficiency  
18 pursuant to subsection X of this section.

19      F. The application shall be completed on a form prescribed by the  
20 department of public safety. The form shall not require the applicant to  
21 disclose the type of firearm for which a permit is sought. The applicant  
22 shall attest under penalty of perjury that all of the statements made by the  
23 applicant are true. The applicant shall submit the application to the  
24 department with a certificate of completion from an approved firearms safety  
25 training program, two sets of fingerprints and a reasonable fee determined by  
26 the director of the department.

27      G. On receipt of a concealed weapon permit application, the department  
28 of public safety shall conduct a check of the applicant's criminal history  
29 record pursuant to section 41-1750. The department of public safety may  
30 exchange fingerprint card information with the federal bureau of  
31 investigation for federal criminal history record checks.

32      H. The department of public safety shall complete all of the required  
33 qualification checks within sixty days after receipt of the application and  
34 shall issue a permit within fifteen working days after completing the  
35 qualification checks if the applicant meets all of the conditions specified  
36 in subsection E of this section. If a permit is denied, the department of  
37 public safety shall notify the applicant in writing within fifteen working  
38 days after the completion of all of the required qualification checks and  
39 shall state the reasons why the application was denied. On receipt of the  
40 notification of the denial, the applicant has twenty days to submit any  
41 additional documentation to the department. On receipt of the additional  
42 documentation, the department shall reconsider its decision and inform the  
43 applicant within twenty days of the result of the reconsideration. If  
44 denied, the applicant shall be informed that the applicant may request a  
45 hearing pursuant to title 41, chapter 6, article 10.

1       I. On issuance, a permit is valid for five years, except a permit that  
2 is held by a member of the United States armed forces, including a member of  
3 the Arizona national guard or a member of the reserves of any military  
4 establishment of the United States, who is on federal active duty and who is  
5 deployed overseas shall be extended until ninety days after the end of the  
6 member's overseas deployment.

7       J. The department of public safety shall maintain a computerized  
8 permit record system that is accessible to criminal justice agencies for the  
9 purpose of confirming the permit status of any person who claims to hold a  
10 valid permit issued by this state. This information and any other records  
11 that are maintained regarding applicants, permit holders or instructors shall  
12 not be available to any other person or entity except on an order from a  
13 state or federal court.

14      K. Notwithstanding subsection J of this section, it is a defense to  
15 any charge for carrying a deadly weapon without a permit by a member of the  
16 United States armed forces, including a member of the Arizona national guard  
17 or a member of the reserves of any military establishment of the United  
18 States, if the member was on federal active duty at the time the permit  
19 expired and the member presents documentation indicating release from active  
20 duty or reassignment from overseas deployment within the preceding ninety  
21 days.

22      L. A permit issued pursuant to this section is renewable every five  
23 years. Before a permit may be renewed, a criminal history records check  
24 shall be conducted pursuant to section 41-1750 within sixty days after  
25 receipt of the application for renewal. For the purposes of permit renewal,  
26 the permit holder is not required to submit additional fingerprints.

27      M. Applications for renewal shall be accompanied by a fee determined  
28 by the director of the department of public safety.

29      N. The department of public safety shall suspend or revoke a permit  
30 issued under this section if the permit holder becomes ineligible pursuant to  
31 subsection E of this section. The department of public safety shall notify  
32 the permit holder in writing within fifteen working days after the revocation  
33 or suspension and shall state the reasons for the revocation or suspension.

34      O. An organization OR AN INSTRUCTOR shall apply to the department of  
35 public safety for ~~approval of its~~ AUTHORIZATION TO PROVIDE firearms safety  
36 training ~~program~~. The department shall ~~approve a program that~~ AUTHORIZE AN  
37 ORGANIZATION OR INSTRUCTOR TO PROVIDE FIREARMS SAFETY TRAINING IF THE  
38 TRAINING meets the following requirements:

- 39       1. Is at least eight hours in length.
- 40       2. Is conducted on a pass or fail basis.
- 41       3. Addresses all of the following topics in a format approved by the  
42 director of the department:
  - 43           (a) Legal issues relating to the use of deadly force.
  - 44           (b) Weapon care and maintenance.
  - 45           (c) Mental conditioning for the use of deadly force.

- 1                   (d) Safe handling and storage of weapons.
- 2                   (e) Marksmanship.
- 3                   (f) Judgmental shooting.

4                  4. Is conducted by AN INSTRUCTOR OR instructors WHO ARE APPROVED BY  
5 THE DEPARTMENT OF PUBLIC SAFETY OR WHO POSSESS CURRENT NATIONAL RIFLE  
6 ASSOCIATION INSTRUCTOR CERTIFICATIONS IN PISTOL AND PERSONAL PROTECTION AND  
7 who submit to a background investigation, including a check for warrants and  
8 a criminal history records check.

9                  P. If approved pursuant to subsection 0 of this section, the  
10 organization ON BEHALF OF EACH OF ITS INSTRUCTORS OR AN INSTRUCTOR shall  
11 submit to the department of public safety two sets of fingerprints ~~from each~~  
12 instructor and a fee to be determined by the director of the department of  
13 public safety. On receipt of the fingerprints and fee, the department of  
14 public safety shall conduct a check of each instructor's criminal history  
15 record pursuant to section 41-1750. The department of public safety may  
16 exchange this fingerprint card information with the federal bureau of  
17 investigation for federal criminal history record checks.

18                  Q. The proprietary interest of all approved instructors and programs  
19 shall be safeguarded, and the contents of any training program shall not be  
20 disclosed to any person or entity other than a bona fide criminal justice  
21 agency, except ~~upon~~ ON an order from a state or federal court.

22                  R. If the department of public safety rejects a program OR INSTRUCTOR,  
23 the rejected organization OR INSTRUCTOR may request a hearing pursuant to  
24 title 41, chapter 6, article 10.

25                  S. The department of public safety shall maintain information  
26 comparing the number of permits requested, the number of permits issued and  
27 the number of permits denied. The department shall annually report this  
28 information to the governor and the legislature.

29                  T. The director of the department of public safety shall adopt rules  
30 for the purpose of implementing and administering the concealed weapons  
31 permit program including fees relating to permits and certificates that are  
32 issued pursuant to this section.

33                  U. This state and any political subdivision of this state shall  
34 recognize a concealed weapon, firearm or handgun permit or license that is  
35 issued by another state or a political subdivision of another state if both:

- 36                   1. The permit or license is recognized as valid in the issuing state.
- 37                   2. The permit or license holder is all of the following:
  - 38                   (a) Not a resident of this state.
  - 39                   (b) Legally present in this state.

40                   (c) Not legally prohibited from possessing a firearm in this state.

41                  V. For the purpose of establishing mutual permit or license  
42 recognition with other states, the department of public safety shall enter  
43 into a written agreement if another state requires a written agreement.

1       W. Notwithstanding the provisions of this section, a person with a  
2 concealed weapons permit from another state may not carry a concealed weapon  
3 in this state if the person is under twenty-one years of age or is under  
4 indictment for, or has been convicted of, a felony offense in any  
5 jurisdiction, even if the person's rights have been restored and the  
6 conviction is expunged, set aside or vacated.

7       X. The department of public safety may issue certificates of firearms  
8 proficiency according to the Arizona peace officer standards and training  
9 board firearms qualification for the purposes of implementing the law  
10 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
11 United States Code sections 926B and 926C). A law enforcement agency shall  
12 issue to a law enforcement officer who has honorably retired a photographic  
13 identification that states that the officer has honorably retired from the  
14 agency. The chief law enforcement officer shall determine whether an officer  
15 has honorably retired and the determination is not subject to review. A law  
16 enforcement agency has no obligation to revoke, alter or modify the honorable  
17 discharge photographic identification based on conduct that the agency  
18 becomes aware of or that occurs after the officer has separated from the  
19 agency.